

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	
<b>v.</b>	<b>:</b>	
<b>RASHON MITCHELL</b>	<b>:</b>	<b>MAGISTRATE NO. 15-432</b>

**GOVERNMENT’S MOTION FOR PRETRIAL DETENTION**

Defendant RASHON MITCHELL’s threatening conduct and complete disregard for the safety of the bank employees and its customers during the bank robberies demonstrate that he is a serious danger to the community. Moreover, based on the possible sentence defendant could receive upon conviction, and his minimal ties to the community, he is a serious risk of flight. In sum, defendant must be detained pre-trial because no less restrictive conditions will assure the safety of the community or his appearance in court.

Because no condition or combination of conditions will reasonably assure the safety of the community or defendant’s appearance as required, the government moves pursuant to Title 18, United States Code, Sections 3142(e) and (f) for a detention hearing and pretrial detention of the defendant.

**I. THE FACTS**

In support of this motion, the government makes the following representations and proposed findings of fact:

**A. Probable Cause And The Evidence In This Case**

1. There is probable cause to believe that the defendant has violated Title 18, United States Code, Sections 2113(a) (*bank robbery*).

2. The evidence in this case is very strong.

At approximately 1:30 p.m. on February 28, 2015, an unknown male (later identified as RASHON MITCHELL) entered the Republic Bank branch located at 1601 Market Street, in Philadelphia, Pennsylvania. MITCHELL approached victim teller A.K. and passed A.K. a demand note that read, "Just give me 3 grand and no one gets hurt." A.K. complied with MITCHELL's demands and handed MITCHELL approximately \$913.00 from the teller drawer, along with a dye pack. After taking the cash and the dye pack, MITCHELL fled the bank. Shortly after leaving the bank, the dye pack carried by the MITCHELL exploded. MITCHELL then discarded the dye pack and fled westbound on Market Street. Video surveillance of the robbery was recorded.

A.K. was interviewed by the Philadelphia Police Department on February 28, 2015. During the interview, A.K. described MITCHELL as a black male, approximately 5'10" in height, approximately 35 years-old, with a heavy build, a beard, wearing glasses, blue plaid work jacket, black pants, knit cap, and gloves.

On March 2, 2015, the Philadelphia FBI distributed a press release informing the public of the bank robbery. Included in the press release were surveillance photographs of MITCHELL. On March 27, 2015, a wanted flyer, documenting the February 28, 2015 robbery of Republic Bank was distributed to law enforcement representatives, as well as bank security manager. Included in the wanted flyer were surveillance photographs taken during said robbery.

On March 30, 2015, FBI Special Agent John Sermons received a telephone call from FBI Supervisory Special Agent Steve McQueen. McQueen advised Sermons that he was telephonically contacted by a confidential informant ("CI") that had previously provided him information. According to McQueen, the CI saw a news release regarding the above stated robbery and recognized the individual in the news release as either "RASHON" or "RASHEED." According to the CI, "RASHON" or "RASHEED" worked at "Lorenzo's Deli" located in Philadelphia, Pennsylvania, and had been previously arrested for bank robbery.

On March 31, 2015, Sermons ran a report for all bank robbers released from the Bureau of Prisons since January 2012. According to the report, a male named RASHON MITCHELL had been released from a federal prison in early 2013, for having committed seven bank robberies.

On March 31, 2015, Sermons contacted U.S. Probation Officer Kenneth Bergman and inquired if any individual under Bergman's supervision was named RASHON MITCHELL. According to Bergman, MITCHELL was under the supervision of U.S. Probation's Low Intensity Program. Before entering the Low Intensity Program, MITCHELL had been supervised by U.S. Probation Officer Robert Henderson.

On March 31, 2015, Sermons met with P.O. Henderson at the U.S. Probation Office, 600 Arch Street, Suite 2400, Philadelphia, Pennsylvania. P.O. Henderson stated that he had supervised RASHON MITCHELL from May 2014 until January 2015. In January 2015, MITCHELL was transferred from P.O. Henderson's supervision to a Low Intensity Program. According to P.O. Henderson, while in the Low Intensity Program, MITCHELL was required to continue making restitution payments,

but is not required to report to U.S. Probation. MITCHELL was only required to send monthly reports documenting any change in MITCHELL's address, telephone number, etc. MITCHELL is scheduled to complete the Low Intensity Program on May 5, 2017. P.O. Henderson advised Sermons that he had initially seen the wanted flyer in question on March 27, 2015, and believed the individual depicted in the flyer resembled RASHON MITCHELL, but could not be sure due to the clarity of the wanted flyer on his phone. P.O. Henderson stated that he again reviewed the wanted flyer on March 31, 2015, and immediately recognized the individual in the wanted flyer as RASHON MITCHELL. P.O. Henderson further advised Sermons that the individual depicted in the surveillance photograph wore the same type clothing (plaid outer garment), and had the same body type as MITCHELL. P.O. Henderson continued by advising Sermons that MITCHELL was employed at a delicatessen called "Lorenzo's Restaurant."

On March 31, 2015, Sermons received an email from the Bureau of Prisons Residential Reentry Manager. The email contained correspondence from S.W., a director at a reentry home (halfway house). S.W. had been contacted by L.P., the owner of Lorenzo Deli, 1301 North 25<sup>th</sup> Street, Philadelphia, Pennsylvania. While watching the news, L.P. observed a story documenting the above stated robbery. L.P. recognized the individual in the news story as RASHON MITCHELL, an employee at Lorenzo's Deli. According to L.P., MITCHELL did not show up for work on February 28, 2015, and did not call to report he would not be coming in work. L.P. went on to say that prior to February 28, 2015, MITCHELL had a full beard. After returning to work, MITCHELL no longer had a full beard.

On the evening of March 31, 2015, affiant received a telephone call from the CI who said that “RASHON” or “RASHEED’s” last name was MITCHELL.

On April 16, 2015, MITCHELL was apprehended following a tip received by the FBI and Philadelphia Police Department. By the time of his apprehension, MITCHELL had robbed three other banks, which prompted law enforcement to publicize his “wanted” status in the media. Following his arrest and interrogation, MITCHELL confessed to all four bank robberies and signed the surveillance photographs taken by the banks’ surveillance system.

**B. Maximum Penalties**

The maximum penalty for a violation of Title 18, United States Code, Section 2113(a) (*bank robbery*) is twenty-years imprisonment, a \$250,000 fine, up to three-years of supervised release, and a \$100 special assessment.

The government estimates MITCHELL’s guideline calculation to be 78 to 97 months’ imprisonment.

**C. Lack Of Community Ties/Employment**

1. The defendant also has no significant assets in this district.
2. The defendant is single and has no dependents.
3. The defendant is not employed.

**II. CONCLUSION**

When all these factors are viewed in light of the substantial evidence against defendant and the sentence he faces if convicted, it is clear that no condition or combination of conditions will reasonably assure the presence of the defendant as required or the safety of the community.

WHEREFORE, the government respectfully submits that its *Motion for Defendant's Pretrial Detention* should be GRANTED.

Respectfully submitted,

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**UNITED STATES OF AMERICA** :  
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**v.** : **MAGISTRATE NO. 15-432**  
**RASHON MITCHELL** :  
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**PRETRIAL DETENTION ORDER**

AND NOW, this                      day of                      , 2015, after an evidentiary hearing and argument of counsel for the government and the defendant, the Court finds that:

- (a) the government has proved by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required; and
- (b) the government has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of other persons and the community, as required by Title 18, United States Code, Section 3142(e).

The Court makes the following findings of fact:

This case is appropriate for detention under Title 18, United States Code, Section 3142(e) because:

1. There is probable cause to believe that the defendant has violated Title 18, United States Code, Sections 2113 (a).

2. The evidence in this case is very strong.

There is probable cause to believe that the defendant committed the bank robbery of the Republic Bank on February 28, 2015. The robbery was captured on the bank's surveillance system and appears to match the description of the defendant given to police by the victim-teller. In addition, the defendant confessed to bank robbery to the FBI after waiving his *Miranda* rights, along with three other bank robberies. Defendant also signed his name to the surveillance photograph taken by the Republic Bank's surveillance system.

3. The total maximum statutory penalty defendant faces is twenty-years' imprisonment, a \$250,000 fine, up to three years of supervised release, and a \$100 special assessment. The government estimates MITCHELL's guideline calculation to be approximately 78 to 97 months' imprisonment without the possibility of parole. Accordingly, the defendant has a substantial incentive to flee.

4. The defendant lacks meaningful community ties. He has no significant assets in this district. Defendant is presently on federal supervised release for seven bank robberies he committed in 2009 and faces a violation of his supervised release if convicted of the present bank robbery, which may result in a sentence of imprisonment in addition to and consecutive to what he is facing for the present bank robbery charge.

5. The strength and nature of the case against the defendant, combined with the strong likelihood that the defendant will be incarcerated for a significant period of time without the possibility of parole, establishes the defendant's danger to the community and increases the high risk that the defendant will not appear as required by the Court.



Therefore, IT IS **ORDERED** that the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; that the defendant be afforded reasonable opportunity for private consultation with counsel; and that, on order of a Court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

**BY THE COURT:**

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**HONORABLE M. FAITH ANGELL**  
***United States Magistrate Judge***  
***Eastern District of Pennsylvania***

**CERTIFICATE OF SERVICE**

I certify that a copy of the *Government's Motion for Pretrial Detention, and Proposed Order* was served by email on the following defense counsel:

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Date: April 17, 2015